

REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested in view of the above amendments and the following remarks.

The indication in the Office Action that claims 21, 29-31 and 37-44 are allowed is noted with appreciation. Applicants also appreciate the indication that claims 27, 28, 32 and 33 were only objected to because of informalities. Applicants' undersigned representative has carefully reviewed all pending claims to ensure conformance with 35 U.S.C. §112. Because none of the claims has been rejected over prior art references, it is submitted that all claims stand allowed for the following reasons.

1. Claims 18-20, 22-28, 34-36 were rejected under 35 U.S.C. 112, second paragraph on the grounds that they are indefinite.

Claims 18, 22 and 34 have been amended to address this rejection. In particular, "methyl, another lower alkyl group" has been changed to "a lower alkyl group." The phrase beginning "such as" has been deleted as it is unnecessary. Those skilled in the art understand what is meant by a heterocycle.

In claims 19 and 23, coefficient m was allegedly not clearly defined because "1, 2, 3 or more" does not have an upper limit. The Office Action also asserts that "0 or 1 or more" used in connection with coefficient n, is not clearly defined. These claims have been amended to avoid use of the aforementioned terms by replacement with " ≥ 1 " and " ≥ 0 ", respectively.

It appears the Office Action may be rejecting the claims on the grounds of undue breadth. However, a claim that is understandable and defines the subject matter which applicant regards as his invention, satisfies §112, second paragraph. In re Kamal et al.,

158 USPQ 320 (CCPA 1968). It is improper to reject claims based on use of terms such as “alkyl, alkoxy, alkylene, divalent hydrocarbon radical” (i.e., not specifying carbon numbers) on the ground that the specification does not support the claims, when the terms are no broader than the broadest description of the invention in the specification and there is no reason to challenge the operativeness of all compounds embraced by its terms. Ex parte Altermatt, 183 USPQ 436 (Board of Appl. 1974). The above terms are supported by the specification. It is not necessary to place an upper limit on coefficients m and n and in effect state an upper carbon number limit, absent a reason articulated by the Examiner challenging the operativeness of the claimed compounds. Accordingly, withdrawal of this rejection is respectfully requested.

It is believed that the rejection of claims 20, 24-28, 35 and 36 as dependent claims should fall with the rejection of the independent claims.

2. The allowance of claims 21, 29-31 and 37-44 is noted with appreciation.

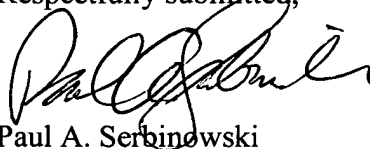
3. Claims 27, 28, 32 and 33 were objected to because use of “comprises” was said to be confusing. This term was replaced by “represents” as suggested by the Examiner. Accordingly, it is submitted that this objection has been overcome.

It is respectfully submitted that the above amendments taken in conjunction with the foregoing remarks, place all pending claims in condition for allowance. Accordingly, an early Notice of Allowance for this application is respectfully solicited.

The Examiner is asked to note the Revocation and Power of Attorney, new correspondence address and new attorney docket number.

Date: October 10, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Serbinowski", written in a cursive style.

Paul A. Serbinowski

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